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REMARKS

Reconsideration and reexamination of the application are requested. Claims 1, 6, 21, 22 and 24 are amended. The amendments to claims 1, 21, 22 and 24 are supported by the original disclosure, for example page 16, line 26 to page 17, line 1 and Figures 1, 2, 5 and 6. The claims as amended read on the elected species I, Figures 1-19E. Claims 11 and 16 are withdrawn from consideration. Claims 1-24 are pending.

Claim objections

Claim 22 is objected to for having a double inclusion. Claim 22 has been amended to delete the duplicate language.

35 USC 112 rejection

Claim 6 is rejected under 35 USC 112, second paragraph, as being indefinite for failing to distinctly claim the subject matter of the present invention.

The word "seats" has been changed to "seat".

With respect to the language "opened at opposite sides thereof", this language is discussed at page 15, line 22 and page 16, lines 1-6 when discussing the driver's seat 411 and the passenger seat 412 illustrated in Figures 1 and 2. Applicants respectfully submit that the meaning of "opened at opposite sides thereof" is clear from the disclosure. Further, Applicants are allowed to be their own lexicographer. Applicants submit that different language should not be necessary. However, if the Examiner has suggestions for alternative language, Applicants are willing to consider adopting any suggestions the Examiner may have.

35 USC 103 rejections

Claims 1, 2, 6, 7, 8, 10, 12, 13, 19 and 24 are rejected under 35 USC 103(a) as being unpatentable of Davis et al. (US 6,755,269) in view of Hirano et al. (US 4,506,754).

In addition, claims 3-5 are rejected under 35 USC 103(a) as being unpatentable over Davis in view of Hirano and further in view of Maki et al. (US 6,270,106).

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In addition, claims 9 and 21 are rejected under 35 USC 103(a) as being unpatentable over Davis in view of Hirano and further in view of CORBIN seat for 2001 HONDA Goldwing 1800.

In addition, claims 14, 15 17 and 18 are rejected under 35 USC 103(a) as being unpatentable over Davis in view of Hirano and further in view of Hanagan et al. (US 4,225,183).

In addition, claim 20 is rejected under 35 USC 103(a) as being unpatentable over Davis in view of Hirano and further in view of Toriyama et al. (US 6,218,804).

In addition, claims 22 and 23 are rejected under 35 USC 103(a) as being unpatentable over Davis in view of Hirano as applied to claim 1, and further in view of Kurata (US 4,606,429).

The cited references, including Davis and Hirano, do not teach or suggest a four-wheeled vehicle as claimed that includes a passenger seat backrest that is entirely positioned forwardly of a rotation axis of the rear wheels. As disclosed, this construction helps to minimize the wheelbase, i.e. the distance between the front and rear wheels, which helps reduce the overall length of the vehicle (see, e.g., page 16, lines 26-28 and page 17, line 1).

Davis does not disclose a passenger seat backrest, or a passenger seat backrest that is entirely positioned forwardly of a rotation axis of the rear wheels. Davis does disclose a shoulder 96 in Figure 6. However, the shoulder 96 is described as locating the rump of a passenger (column 3, lines 61-63). The shoulder 96 does not support the back of a passenger, so the shoulder 96 cannot be considered a backrest.

Likewise, Hirano does not disclose a passenger seat backrest, nor a passenger seat backrest that is entirely positioned forwardly of a rotation axis of the rear wheels. The passenger seat in Hirano is actually disposed over the axis of the rear wheel. As a result, any passenger seat backrest provided on the Hirano passenger seat would not be entirely positioned forwardly of a rotation axis of the rear wheel.

The Corbin Seat publication for the 2001 Honda Goldwing appears to disclose a passenger seat backrest. However, it appears that some or all of the backrest appears to be behind the axis of the rear wheel.

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The remainder of the cited references do not teach a passenger seat backrest as claimed.

For at least these reasons, the claims are patentable over Davis, Hirano and the other cited references. The rejections to the dependent claims do not need to be addressed as the dependent claims are patentable along with the independent claims. Applicants do not concede the rejections to the dependent claims.

In the event that the claims are found allowable, Applicants request that claims 11 and 16 be examined at this time.

In view of the above, early issuance of a notice of allowance is solicited. Any questions regarding this communication can be directed to the undersigned attorney, Curtis B. Hamre, Reg. No. 29,165 at (612) 455-3802.



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Respectfully submitted,

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